

032604  
22651 U.S. PTO

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
11998.5USC6			B. SZMAL	3736

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV372670459US  
 Date of Deposit: March 26, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: *Teresa Anderson*  
 Name: Teresa Anderson

CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop Patent Application  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/880,576, filed on June 13, 2001 entitled CARDIAC DISEASE TREATMENT AND DEVICE by the following inventor(s):

Full Name Of Inventor	Family Name ALFERNESS	First Given Name CLIFTON	Second Given Name A.
Residence & Citizenship	City REDMOND	State or Foreign Country WASHINGTON	Country of Citizenship USA
Post Office Address	Post Office Address 9010 258TH AVENUE NE	City REDMOND	State & Zip Code/Country WASHINGTON 98053/USA
Full Name Of Inventor	Family Name RAMAN	First Given Name JAI	Second Given Name SHANKAR
Residence & Citizenship	City NORTH BALDWYN	State or Foreign Country AUSTRALIA	Country of Citizenship AUSTRALIA
Post Office Address	Post Office Address 30 THE BOULEVARD	City NORTH BALDWYN	State & Zip Code/Country VICTORIA 3104/AUSTRALIA
Full Name Of Inventor	Family Name POWER	First Given Name JOHN	Second Given Name MELMOUTH
Residence & Citizenship	City WILLIAMSTOWN	State or Foreign Country AUSTRALIA	Country of Citizenship AUSTRALIA
Post Office Address	Post Office Address 65 HANNAN STREET	City WILLIAMSTOWN	State & Zip Code/Country VICTORIA 3016/AUSTRALIA

1.  Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 15 pages of specification, 17 claims, 1 page of abstract, 7 sheets of drawings, and 4 pages of oath or declaration.

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

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2.  Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

3.  The filing fee is calculated below:

**CLAIMS AS FILED**

NUMBER FILED	NUMBER EXTRA		RATE	FEE
<b>TOTAL CLAIMS:</b> 6	<b>-20</b>	<b>0</b>	<b>x</b>	<b>\$9.00</b>
<b>INDEPENDENT CLAIMS</b> 1	<b>-3</b>	<b>0</b>	<b>x</b>	<b>\$43.00</b>
			<b>BASIC FILING FEE:</b>	<b>\$385.00</b>
			<b>TOTAL FILING FEE:</b>	<b>\$385.00</b>

Small entity status is claimed pursuant to 37 CFR 1.27.

4.  Payment of fees:  
 Attached is a check in the amount of \$385.00  
 Please charge Deposit Account No. 13-2725.

5.  The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.

6.  Amend the specification by inserting before the first line of the first page the paragraph:  
 "This application is a continuation of application Serial No. , filed , which application(s) are incorporated herein by reference."

7.  A set of formal drawings (7 sheets) is enclosed.

8.  Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.  
 The certified copy has been filed in prior application Serial No. , filed .

9.  The prior application is assigned of record to Acorn Cardiovascular, Inc. located at St. Paul, Minnesota (Reel/Frame 9622/0650).

10.  The Power of Attorney in the prior application is to:  
 Merchant & Gould P.C.  
 Minneapolis, MN 55402-2215

11.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)  
 Fee for excess claims is attached.

12.  A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.

13.  The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

14.  A Nonpublication Request under 37 CFR 1.213(a) is enclosed.

15.  Also Enclosed: Information Disclosure Statement and PTO Form 1449

16.  Address all future communications to the **Attention of Anna M. Nelson** (may only be completed by attorney or agent of record) at the address below.

17.  A return postcard is enclosed.



Date: March 26, 2004

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

A handwritten signature in black ink, appearing to read "Anna M. Nelson". The signature is fluid and cursive, with "Anna" and "M." being more stylized and "Nelson" being more like a standard name.

Anna M. Nelson  
Reg. No. 48,935  
ANelson:PLStdM